IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 23226 of 2007(M)

OPMV.959/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM

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PETITIONER:

1. SARASAMMA, AGED 52, W/O.LATE VIJAYAN, ELLUMKUNNEL HOUSE, KIZHAKKUM BHAGOM, ETTUMANOOR.

2. PRAKASH, AGED 28, S/O.LATE VIJAYAN, ELLUMKUNNEL HOUSE, KIZHAKKUM BHAGOM, ETTUMANOOR.

BY ADV. SRI.K.P.SHAHUL HAMEED

RESPONDENTS:

1. MADHU, S/O.VISWANATHAN NAIR, KAROOR HOUSE, VATTUKULAM, KANAKKARI, KOTTAYAM.

2. SANTHOSH BABU, S/O.CHANDRAN, VALLTHARAYIL HOUSE, ETTUMANOOR P.O., KOTTAYAM.

3. THE NEW INDIA ASSURANCE COMPANY LTD., ETTUMANOOR BRANCH, ETTUMANOOR, REPRESENTED BY THE BRANCH MANAGER.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.23226 of 2007

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Dated this the 30th day of July, 2007

J U D G M E N T

The petitioners challenge Exts.P7 and P8 orders, by which the petitioners' I.As. before the M.A.C.T., Kottayam for disbursement of the amount in deposit have been rejected on the ground that the petitioners have not explained the purpose, though given time. The contention of the petitioners is that the petitioners have been served with Exts.P2, P3 and P4 whereby proceedings under section 69 of the Kerala Co-operative Act have been initiated against the petitioners for recovery of amounts due from the petitioners to a co-operative bank. I am not inclined to entertain this writ petition at this stage since Exts.P2, P3 and P4 are only at the initial stage in the proceedings. As and when, the liability of the petitioners is quantified, it would be open to the petitioners to move the Tribunal for appropriate directions regarding disbursement of the amount in deposit and the Tribunal

shall consider the same in the light of the evidence to be produced by the petitioners in that regard.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.